

REMARKS**Summary of the Office Action**

Claims 1-4, 6, and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakagami (JP 2002-203359) in view of Shigetomi (JP 10-038907).

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakagami in view of Shigetomi as applied to claims 1-4, 6, and 7 above, and further in view of Kim et al. (US 6,603,721).

Summary of the Response to the Office Action

Applicant has added new claims 8-10. Accordingly, claims 1-10 are presently pending.

All Claims Define Allowable Subject Matter

Claims 1-4, 6, and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakagami in view of Shigetomi. Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakagami in view of Shigetomi as applied to claims 1-4, 6, and 7 above, and further in view of Kim et al. Applicant respectfully traverses these rejections as being based upon references that neither teach nor suggest the novel combination of features recited by independent claims 1, 2, and 7.

Independent claims 1 and 2 recite a rotary tray apparatus including “wherein the controlling unit is further configured to compare a counted value of a time point when the opposite level is detected with the reference values stored in the memory, and to decide that a noise signal is superposed in the pulse signal when the counted value is out of tolerances of the reference values and initialize the counted values,” while independent claim 7 recites a method for determining identification numbers in a rotary tray apparatus including “comparing a counted value of a time point when the opposite level is detected with the stored reference values; deciding that a noise signal is superposed in the pulse signal when the counted value is out of

tolerances of the reference values; and initializing the counted values.” Thus, Applicant respectfully asserts that the noise signal is superposed in the pulse signal by using “the reference values stored in the memory.” Applicant respectfully notes that the Office action alleges that Shigetomi discloses the claimed invention. However, Applicant respectfully asserts that the noise signal of Shigetomi is detected by determining whether or not the duty ratio of the pulse signal is in the tolerance. Accordingly, Applicant respectfully asserts that in Shigetomi, “the reference values stored in the memory” are not used for detecting the noise signal. In addition, Applicant respectfully asserts that the controlling unit is configured to compare the counted values with the reference values for the counted numbers of respective levels of the pulse signals. However, Applicant respectfully asserts that Shigetomi uses a duty ratio of the pulse signal in the comparison. Therefore, Applicant respectfully asserts that since each of the claimed counted value and the claimed counted number is a “counted value itself” and the duty ratio of Shigetomi is a “calculated value,” Shigetomi has a larger number of processing steps than the claimed invention. Finally, Applicant respectfully asserts that for independent claims 1, 2, and 7, the identification numbers of the respective disk loading portions are determined. However, Shigetomi detects rotational time periods.

For at least the above reasons, Applicant respectfully asserts that Sakagami, Shigetomi, and Kim et al. fail to teach or suggest the combination of features recited by independent claims 1, 2, and 7, and hence dependent claims 3-6. Thus, Applicant respectfully asserts that the rejection of 1-4, 6, and 7 under 35 U.S.C. § 103(a) in view of Sakagami and Shigetomi, and the rejection of claim 5 under 35 U.S.C. § 103(a) in view of Sakagami, Shigetomi, and Kim et al must be withdrawn.

New Claims 8-10

Applicant has added new claims 8-10 to further define the invention. Applicant respectfully asserts that new claims 8-10 recite that the counter starts to count the number of L levels and H levels when the rotary tray is being rotated in the constant velocity. Accordingly, claims 8-10 are supported by the description on page 14, lines 3-11, and step 12 of FIG. 4 in the present specification. Accordingly, Applicant respectfully asserts that new claims 8-10 are allowable for at least the reasons set forth above.

Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

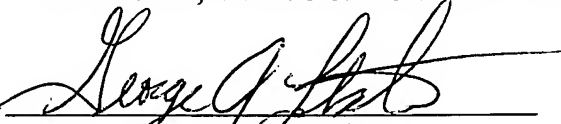
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Respectfully submitted,

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